

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

SUSAN SAUNDERS,

Plaintiff,

v.

Case No. 8:21-cv-1186-KKM-AEP

J.P. MORGAN TREASURY
TECHNOLOGIES CORPORATION
and CBRE, INC.,

Defendants.

ORDER

Defendant CBRE filed a Notice of Removal, (Doc. 1), on May 14, 2021, notably failing to comply with the requirement of 28 U.S.C. § 1146(b)(2)(A) that all defendants consent to the removal of the action. *See Russell Corp. v. Am. Home Assurance Co.*, 264 F.3d 1040, 1044, 1049 (11th Cir. 2001). On May 17, 2021, Defendant CBRE then filed a Notice of Withdrawal of Notice of Removal. (Doc. 3). Defendant CBRE represents that the Notice of Removal has not yet been filed with the State court and that it has not given notice to the Plaintiff; therefore, the Court finds that removal has not been properly effected under 28 U.S.C. § 1446(d). *See also* 14C Wright, Miller, & Cooper, *Federal Practice and Procedure: Jurisdiction* § 3736 (4th ed.). Given Defendant CBRE's notice of withdrawal of removal and request that the action be remanded, the Court finds that, although it has jurisdiction remand is appropriate. *See Peterson v. BMI Refractories*, 124

F.3d 1386, 1395 (11th Cir. 1997) (stating that “failure of notice to the state court is a procedural defect that does not defeat federal jurisdiction” but that the defects might justify a remand). Accordingly, the Court accepts the Notice of Withdrawal of the Notice of Removal and **REMANDS** this action to the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida, for further proceedings. The Clerk is directed to terminate all pending motions and close the case.

ORDERED in Tampa, Florida, on May 19, 2021.


Kathryn Kimball Mizelle
United States District Judge